

Senate Council
August 20, 2018

The Senate Council met in regular session at 3 pm on Monday, August 20, 2018 in 103 Main Building. Below is a record of what transpired. All votes were taken via a show of hands unless indicated otherwise.

Senate Council Chair Jennifer Bird-Pollan called the Senate Council (SC) meeting to order at 3:00 pm. The Chair welcomed those present and noted the different room arrangement for the day's meeting, due to the new, larger screen and wireless keyboard. She said she would be happy to hear suggestions about the room setup. The Chair suggested that everyone in the room introduce themselves prior to addressing the first agenda item.

1. Minutes from May 14 and May 18, 2017 and Announcements

The Chair reported that no edits had been received for either set of minutes. There being **no objections**, the minutes from May 14, 2018 and May 18, 2017 were **approved** as distributed by **unanimous consent**. The Chair offered a series of announcements.

- The Chair reminded SC members that at its last meeting in May, it approved adding student HN-63 from the College of Fine Arts to the May 2018 degree list. Due to the timing of meetings, this was also done on behalf of the University Senate (Senate).
- On behalf of the SC and Senate, the Chair approved the inclusion of six medical students on the May 2018 degree list.
- On behalf of SC and Senate, the Chair, in accordance with *Senate Rules (SR) 5.4.1.1.D.3*, added a mechanical engineering doctoral student to the early August degree list. The Chair noted that this was the first time in recent memory that this clause of the SRs was utilized. The student was returning to his home country, which has unreliable mail service, and she said the request seemed justifiable given the circumstances.
- On behalf of SC and Senate, the Chair approved changes to the College of Pharmacy's calendar – they had inadvertently left off some dates regarding final exams.
- In regards to the issue brought to SC's attention last year about Title IV requirements pertaining to financial aid and class attendance/roll, the Chair noted that the issue had been included in the recent email from Ombud Joe McGillis to all faculty. She said that the email instructed faculty to contact the Registrar or their associate dean with questions. Provost's Liaison Turner said that each college had submitted their individual implementation plan to the Registrar. At the most recent associate deans' meeting, Registrar Kim Taylor walked everyone through the portal created for reporting attendance. Turner said it was her impression that things for this pilot year seemed to be percolating along.

There were a number of comments from SC members about the new pilot policy and the email from the Ombud; a handful of SC members indicated that they had not received the email in question. SC members offered a number of suggestions about how to better ensure that all faculty were aware of this issue: the Chair could send an email to all faculty to alert them to the new Title IV requirement; the Chair could send an email to senators and ask them to alert colleagues; or the Chair could email deans and ask them to communicate the new pilot policy with their faculty. The Chair said she would take appropriate next steps.

Senate Council
August 20, 2018

- The Chair received a request for the SC and/or Senate to sponsor and spread the word about an initiative on campus to help support curiosity. SC members indicated that they would like more information about what sponsoring would actually entail, prior to making a decision.
- The Chair explained that there were conflicting opinions about what specific action Senate had taken regarding the proposal for a single summer session. The SC's motion, approved by Senate, was to approve the recommendations in the Committee's report and there was now a question as to whether Senate approved a pilot single summer session, or if the Senate approved the implementation of a single summer session. SC members discussed the matter.

Grossman suggested that the Senate's action and parsing the motion language was less important than finding out if the 2018 single summer session had been successful or not. SC members suggested that the Chair solicit input from department chairs and associate deans in regards to their views of the single summer session. Turner commented that an administrative structure regarding tuition charges, billing, and payment had been built around an assumption that the single summer session was not a pilot, so time might be needed to wind that down if Senate/SC viewed it as a failed pilot. Wood asserted that there needed to be some resolution as to what, exactly, Senate had approved (pilot or implementation). Discussion continued.

There seemed to be consensus that there were only two issues at hand: the need to clarify exactly what action Senate had taken (approving a pilot or approving implementation) so an appropriate next step could be taken if Senate approved only a pilot; and because this was the first time UK offered a "single summer session," it made sense to solicit input about how others felt about it, regardless of whether it was a pilot or not. The Chair said she would solicit the requested input and would place the item on a SC agenda in the future for SC deliberation. Blonder suggested soliciting student input, too. Grossman asked that the URLs for the meetings when the report was discussed be emailed out sooner rather than later and the Chair said that was feasible.

- The Advising Network (AN) has sent out an email related to possible changes in its placement in UK's administrative hierarchy, related to AN's relationship with the Office of Student and Academic Life (SAL). The Chair noted that the email included references to the AN's relationship with the Senate and asked McCormick, immediate past SC chair, if she had any insights to offer. McCormick, a faculty fellow with a new appointment in SAL and responsibilities pertaining to high impact practices on students, explained that there is a group of professional advisors who comprise the AN and there are separate advisors who work in the colleges and in the Career Center.

McCormick said there had been some historical confusion about who are considered "advisors" and that there was some current interest in making sure that advising responsibilities do reside with those who are paid to be advisors. Turner added that the AN was empowered by Provost Kumble Subbaswamy, but never codified; it exists outside of any other body. She said she had participated in a meeting last year with the chair of Senate's Academic Advising Committee (SACAC) and McCormick, regarding how to create a structure with more of a relationship that included SAL and SACAC. McCormick added that it dovetailed with Brion's comments in the past about faculty and advising and things being unevenly applied across campus. Schroeder spoke in favor of retaining the valuable information communicated by the AN's listserv. She said that when she was a newer advisor, it was critically important to know about changes to programs

and courses that were sent out by the AN. Cross said that his college had experienced some problems with professional advisors, but that better communication always seemed to improve the situation.

- The evaluation by the Board of Trustees (Board) of President Eli Capilouto is ongoing and the Chair reminded SC members she had sent forward the list of names of possible faculty participants in the Board's evaluation of the President. The next matter is SC reviewing the questions used by the Board in the evaluation. She said she would request feedback from SC members next week, but would also email the questions tomorrow. There was brief discussion about what the SC suggested when asked most recently and the Chair said that one of SC's comments could be that the SC reiterated its comments from the prior year.

2. Appointment of Senate Parliamentarian for 2018-19

The Chair noted that Cross had served as parliamentarian for the prior year. During that time, some concerns were raised about the parliamentarian also being a member of the body. She said she gave that some thought and ultimately asked a colleague, Douglas Michael (LA, from the College of Law to serve. She said he was willing to serve so she was here to ask the SC to appoint him. Cross said he would be pleased to **move** to appoint Douglas Michael (LA) to the position of Parliamentarian for the 2018-19 academic school year. Schroeder **seconded**.

The Chair explained that Michael was well versed in Robert's Rules of Order (Newly Revised) and that he had chaired the Senate's Rules and Elections Committee (SREC) in the past. Grossman added that he had served on the SC. The Chair noted that Michael was also willing to attend SC meetings, in addition to Senate meetings. Those SC members expressing an opinion were pleased with Michael's willingness to serve. There being no additional discussion, a **vote** was taken and the motion **passed** with none opposed.

Regarding the parliamentary-related issues that had been discussed at the SC's May retreat, the Chair said she had discussed many of those with Michael: the role of the chair in voting and parliamentary procedure for things like motions from committee, i.e. are items from a committee presented as "motions from committee" or "motions from SC" during Senate meetings. She said she wanted to have the minutes approved prior to sending forward any proposals and now that the minutes were approved, she said she was hoping Michael could come to SC soon to discuss those issues and possible proposals.

Grossman asked to review the second agenda item first and there were no objections.

3. Committee Reports

a. Senate Rules and Elections Committee (SREC) – Bob Grossman, SREC Member

ii. Proposed Change to Senate Rules 5.4.1 ("Courses Taken on a Pass/Fail Basis")

Grossman explained that the *Senate Rules (SRs)* state that an instructor cannot see if a student has signed up to take their class on a Pass/Fail (P/F) basis. He said that advisors need to know if a student is taking a P/F class but a conflict occurs when a student's advisor is also their instructor. He directed SC members' attention to the blue text on the screen, which entailed the proposed change from the SREC. The **motion** from the SREC was to recommend to approve the SREC's proposed changes to SR 5.1.4, specifically by adding the following sentence immediately after the first sentence of the fourth paragraph of *SR 5.1.4*: "However, if an Instructor of Record is also the student's designated academic advisor, then the Instructor of Record shall have access to a student's Pass/Fail status in a course for the purpose of advising the student." Because the motion came from committee, no **second** was required.

The Chair noted that this was in essence a new policy proposal not yet discussed by SC, so it was possible new language could be developed. Grossman added that one of the SREC's charges is to make the SC aware of issues that come to the SREC's attention. The Chair invited discussion but there were no comments. She asked SC members if this was the sort of issue that should be sent to the Senate Academic Advising Committee (SAcAC). Blonder suggested that the SC could move forward with it as is. There being no additional comments, the Chair called for a vote. A **vote** was taken and the motion **passed** with none opposed.

i. Recommendation for Revision to *Administrative Regulations 3:2, Section V.F* ("Phased Retirement Policy and Program (Approved by the Board of Trustees)")

Grossman explained that phased retirement was a fairly new status and that some language had some unintended consequences. He said the *Governing Regulations (GRs)* were very confusing in what they say about phased retirement versus what the *Administrative Regulations (ARs)* say. He explained that both the *ARs* and *GRs* say that faculty on phased retirement are part-time and that part-time faculty cannot vote for senators or for faculty trustee. In response to a question from the Chair, Grossman described the current rights for phased retirement faculty pertaining to: running for and electing members of Senate; running for and electing the faculty trustee. He said there was never any intention that anyone would suddenly lose the right to vote or run.

After a request from the SREC, the SC had discussed the issue at its May 2018 retreat, and asked the SREC to propose a remedy. He said that there was a previous remedy suggested by the administration's Regulation Review Committee. Grossman explained that the SREC opted to adopt that remedy and recommend that to Senate. He said it involved changes to the *AR*, which was not at all in the purview of Senate, but Senate could make a recommendation to President Capilouto to change the *AR*. The Chair noted that SC members had received links to *SR* language and *AR* language, along with the SREC's recommendation. SC members began by discussing what a logical first step would be; Wood asserted that it would make the most sense to get Senate's support for bringing the issue to the attention of the administration and ask administration to consider a change to the *AR*.

Brion asked if there was potential that the administration would not support the change, such as if a faculty member on 50% phased retirement would have 25% DOE responsibility for SC. She wondered if there would be pushback. The Chair said that she had discussed the issue with the President because it was planned for a SC agenda. She indicated that it was her impression that when he expressed concern it was due to a concern that changing the language might interfere with the negotiations around phased retirement between an academic unit head and the faculty member. There was additional discussion. Schroeder commented that another perspective might come from someone who voted for a faculty member who intended to move to phased retirement. She said a voter might wonder if [a faculty senator or trustee] would still spend the same amount of time representing their constituents if the senator/trustee went on phased retirement in the middle of a term. The possibility of phased retirement faculty rolling off of Senate committees outside the normal cycle and the consequent effect on Senate committees also needed to be considered. Discussion continued, including thoughts about how the proposal could move forward and how the *AR* language could be changed.

Grossman suggested that the item be returned to the SREC so the SC could ask the SREC to have a conversation with President Capilouto about how to move forward. Grossman said he thought that the President might be concerned about the language referring to "same academic rights and responsibilities" and that more narrow language might help. Blonder stated that the prohibition on participation by faculty on phased retirement discriminated against people based on their age. She

asserted that the prohibition essentially meant that older people do not have the same rights as younger people not on phased retirement. The Chair noted that there was no language in the *AR* that says people on phased retirement cannot run or vote – that language was entirely within the *SRs*. She said that she could not find any language in the *AR* that affected this [participating in Senate and trustee elections]. The Chair wondered if there were other ways to address the issue and Brion asked about the possibility of changing the *SRs*.

Grossman indicated his intent to move to return the proposal to the SREC. Blonder objected to the SREC talking directly to the President and said that the Chair and the chair of the SREC could meet, but that the Chair should take the lead. Grossman **moved** that the issue be returned to the SREC for them to consult with the President or a representative of the President's office to try to identify their reservations. Cross **seconded**. SC members discussed the motion. Among other concerns, some sought clarity on what exactly "the issue" entailed and others suggesting that it would be better for the Chair to take the lead in any meeting. Discussion continued.

Grossman **offered a substitute motion** that the SC table the SREC's report until the Chair has had an opportunity to meet with the President to determine his objections and find any language that would satisfy said objections and accomplish the SREC's intent. Cross **seconded**. SC members discussed the substitute motion and those expressing opinions thought the motion did not accomplish as much as it should.

Grossman **revised his motion** so that the SREC's report would be returned to the SREC and they will wait to act until they hear information from the Chair about her conversation with the President. Cross reiterated his **second**. SC members discussed the motion. Blonder asked if the Chair would meet with the President before meeting with the SREC. The Chair replied that she did not have details regarding what the President would or would not find acceptable. During discussion, the issue of the possibility that the current situation [phased retirement-related prohibition on serving as a faculty senator or trustee] could constitute age discrimination arose again. The Chair said she could check with a colleague and let SC members know. A **vote** was taken and the motion **passed** with none opposed.

4. Committee Nominees

a. Biological Sciences Academic Area Advisory Committee

The Chair explained that there were still two vacancies on the Biological Sciences Academic Area Advisory Committee. The Chair referred SC members to the file on screen, which had been sent out with the agenda. She described how the file showed the current composition, as well as the resolution for each nominee sent forward by the SC who was asked to serve. The Chair said that for this particular committee, she was asked to provide the names of two female faculty, to balance gender diversity on the committee. SC members deliberated on possible nominees and offered the names of two faculty members.

b. Health Care Clinical Sciences Academic Area Advisory Committee

The Chair explained that there were still two vacancies on the Health Care Clinical Sciences Academic Area Advisory Committee, in the Dentistry area. She was asked to provide the names of two faculty members from the College of Dentistry, preferably from the Department of Oral Health Practice. SC members discussed possible nominees, noting that there were only two faculty in the department who were eligible to be nominated. SC members sent forward the name of the only available nominee. In an attempt to provide additional options, SC also sent forward the name of a faculty member in an alternate department.

c. Humanities and Arts Academic Area Advisory Committee

The Chair explained that there were still two vacancies on the Humanities and Arts Academic Area Advisory Committee. She was asked to provide the names of two faculty. SC members deliberated on possible nominees and offered the names of two faculty members.

5. Coalition on Intercollegiate Athletics (COIA)

The Chair said that she received an email from an individual representing the Coalition on Intercollegiate Athletics (COIA). She asked SC members to share their thoughts and perspectives on participating in COIA activities. SC members discussed the COIA; the Chair and Vice Chair Schroeder, who also received the email, ultimately said that it was not clear if UK was already a member – there was conflicting information between their website and the contents of the email. The Chair said that in conversation with two members of the administration, neither of them had information about the organization. SC members ultimately suggested that the Chair email the sender directly to clarify UK's status with COIA is. They also instructed the Chair to talk with UK's current faculty representative to the NCAA (National Collegiate Athletic Association), Joe Fink (PH/Pharmacy Practice and Science), to see what he knew of the organization.

6. Discussion on *Senate Rules 5.4.1.1.D* (“Application for Degrees,” “Demonstration of Extraordinary Hardship”)

The Chair explained that she was approached by a student who had needed to delay their graduation. When the student went to the advising office, there were no available professional employees to ask for guidance regarding applying to graduate. The student ended up with one degree and two majors, instead of two degrees. The student contacted the College but the College does not believe it was an administrative error by a College employee. The Chair explained that there were only two ways to be added, late, to a degree list: if a college admits to having made an administrative error (which is how the SC usually sees such requests); and if a student requests being added, late, on the basis of extraordinary hardship. She said that the extraordinary hardship clause of the *SRs* had been used over the summer, but it had been used because the extraordinary hardship in that case was a student's hardship regarding timing and returning home to a war-torn country. The Chair said that she was not sure if getting one degree instead of two degrees could also be considered an extraordinary hardship.

The Chair further explained that she was made aware that there were many instances in which a student made a mistake but the college took responsibility for the error to help the student. She said that she was unaware of any other formal outlet for the student who contacted her, other than to talk to the SC directly; the Chair said there was nothing in the *SRs* that would permit the student to get what he would like. She said there was also the larger issue involving more students and she wondered if the larger issue could be solved with a new category of student error. The Chair said that she mentioned this issue to a few people, including the Associate Provost for Enrollment Management, the President's Chief of Staff, and the President, and all expressed general support for assisting students. The Chair acknowledged that concerns had been expressed in the past about having to present the Board with administrative errors that caused degree lists to be corrected, although she said it was her impression that bringing forward corrections based on student mistakes would be less objectionable to bring to the Board. She said that any changes to *SR* language should be carefully considered and should include some constraints, to prevent scenarios in which a degree would be changed 10 years after the fact. SC members discussed the matter at length.

Senate Council
August 20, 2018

As discussion wound down, SC members focused on two next steps. Blonder **moved** to ask the SREC to determine SC's possible options regarding a student who mistakenly does not correctly apply to graduate, specifically if SC can waive any aspects of *SR 5.4.1.1.D*. Brion **seconded**. A **vote** was taken and the motion **passed** with none opposed and one abstained.

Schroeder **moved** to ask the Senate's Academic Advising Committee (SAcAC) to consider the larger issue of degree approval and advising and offer advice. Brion **seconded**. A **vote** was taken and the motion **passed** with none opposed.

Grossman **moved** to adjourn and Schroeder **seconded**. A **vote** was taken and the motion **passed** with none opposed. The meeting was adjourned at 5:06 pm.

Respectfully submitted by Jennifer Bird-Pollan,
Senate Council Chair

SC members present: Bird-Pollan, Blonder, Brion, Cross, Grossman, McCormick, Osterhage, Schroeder, and Wood.

Provost's liaison present: Turner.

Prepared by Sheila Brothers on Tuesday, August 21, 2018.